Case Number

88-944

Supreme Court, U.S.
FILED
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JOSEPH F. SPANIOL, JR.
CLERK

IN THE

United States SUPREME Court

FALL TERM 1988

PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
JAMES HARRISON et. al.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

****

PETITION FOR WRIT OF CERTIORARI

##########"

a) * * * Questions presented to be reviewed.

The State of Florida sold to this Petitioner a parcel or Land situate in Nassau County, Florida described Lot 20 Blk 101 Town or Hilliard, Florida.

On March 9th 1981, the School Board of the State of Florida instigated eminent Domain proceedings.

The Kangaroo Court after many coercive and oppressive maneuvers did award,with Barrow not at the hearing during the full trial, a worthless check for $250.00 to compensate an injury in excess of $15,500.00.

QUESTION NUMBER I: Was this a taking of

property without any compensation, much less full and just ? There was no use to appeal in State Court as the enmity of the Court was absolutely unbearable,that Barrow upon being granted permission to leave the Court Hearing, rush clear across the County to avoid being locked up again in the Federal Detention Center, because of constant threats to his person, by Defendant Harrison.

QUESTION NUMBER II : Did this individual, Defendant Harrison who is no longer a Judge, deprive this " Owner of land" due process of law, appropriate to the Circumstances ?

QUESTION NUMBER III: Was a constant threat in the court, by the Judge to the safety of this Victim, repugnant to the Equal Protection Clause of our Con-

stitution of these United States?

QUESTION NUMBER IV: In as much as the Property and the improvements thereon as well as the use and occupation thereof, by the State, was this sale of the property by the State to Barrow and then the taking of the property by the State, an impairing of Contract ?

Upon filing this Action in the Federal Court there has been no answer to the Complaint pursuant to Fed.R.Civ. P. Rule 7 (a).

QUESTION NUMBER V: With no opportunity to be heard in Federal Court is this Due Process of Law ? Or Schlesinger's Law ?

QUESTION NUMBER VI : To add salt to the Wound, the Court of First Instance

inflicted Cruel and Unjust Punishment alleged to be sanctions in the amount of Twelve, thousand, nineteen and 38/100 dollars in this case alone. ($12,019,38) in Bribes in this case only to be paid to State employees when seized from Appellant. Are the illegal sanctions, extortion or oppression ?

QUESTION: Does this judgment for ($12, 019.38 in Sanctions without any trial by jury, in fact no trial as to the appropriateness of the amount of Sanctions amount to abuse of discretion or usurping power to commit illegal acts ?

In Jones v Bales, 58 F.R.D. 543 (N.D.) Ga. 1972 aff'd 480 F 2d 805 (5th Cir 19 78)
" Pro se litigants are not subject to the unusal incetives against filing repetirive, frivolous or malicious

law suits. They are immune from imposition or costs, if they are uncuccessful and because of their poverty they are practically immune from later tort actions for " malicious prosecution or abuse of process"

QUESTION NUMBER VII: The 11th Circuit , not only condones and affirms this void decision, the 11th Circuit added insult to injury, by remanding the case back to the Court of First Instance for MORE SANCTIONS, than has already been inflicted upon this Appellant.
Is this Action of the 11th Circuit also an abuse of discretion ?

QUESTION NUMBER VIII: Whether or not Jason Vail Assistant Attorney General has any Statutory Authority deligated to him to defend such as James Harrison's illegal acts such as;
1) The taking of Petitioner's $15,500.00

property in an illegal fashion with an alleged full and just consideration of one worthless bad check of $250.00 which cannot be cashed ?

2) The deprivation of due process of law, in the State Court ?

3) The denial of protection of the law equal to that afforded others, in this State Court ?

4) Impairing of obligation of contract of the State by the State ?

THEN WHILE IN FEDERAL COURT

5) No opportunity to be heard in Federal Court ?

6) The Attorney General Butterworth's improper influence in the infliction of Eighty thousand, six hundred seventy-seven and 47 /100th dollars ($80,677.47 100th dollars) in Cruel and Unjust Pun-

ishment, as of this date ?

AND IN THE COURT OF APPEALS 11th CIRCUIT.

7) The remanding of the Case and Controversy back to the Court of First Instance to tax still more Cruel and Unjust Punishment on behalf of " the improper influence of Jason Vail ?

SEE: Florida Statute 112.313 and Florida Statute 838.015,838.016.

IT MUST BE REMEMBERED

Along with the $12,019.83 of Cruel and Unjust Punishment inflicted by the Federal Court on this pro se Person, is a total as of this date only; Eighty-thousand, six hundred, seventy-seven and 47/100th dollars ($80,677.47) up to date in Federal Court Punishment that has been inflicted upon this

" ignorant layman without legal education" as a reward for making a Fool Hearted effort to obtain redrsss of grievances pursuant to our Constitution.

QUESTION NUMBER IX: Is this pro se Person entitled to pecuniary compensation to consummate the injury to him? Also it does appear that Eighty thousand, six hundred, seventy-seven and 47/ 100th dollars (80,677.47) is not enough Cruel and Unjust Punishment. The 11th Circuit Federal Court of Appeals has ordered that more attorney's fees and costs must be inflicted upon this pro se person.

This Barrow v Harrison is remanded back to the Court of First Instance for more un-reasonable Cruel and Un-

just Punishment in addition to the eighty, thousand, six hundred, seventy-seven and 47 / 100th dollars($80,677.47) of Cruel and Unjust Punishment to be added to the $80,677.47up to date already inflicted.

In Jones v Bales, 58 F.R.D. 453 (N.D.) Ga 1972 aff'd 480 F 2d 805 (5th Cir (1978)

" Pro se litigants are not subject to the unusal incetives against filing repetirive frivolous or malicious lawsuits. They are immune from imposition or costs If they are unsuccessful and because of their poverty they are practically immune from later tort actions"

NEW DEVELOPMENTS

Judging by the recent development in this Action it must be noted that:

1) Harold B.(judge handling) Wahl,one of the Central Figures in the Wheel Within A Wheel Conspiracy, has been replaced by one Jason Vail,Central

Figure in the Attorney General Butterworths Wheel Conspiracy.

2) The 11th Circuit seems to be dancing to the Attorney General's Tune.

To Beg with the Judges of Florida, whose acts complained of are not judicial acts, therefore there is no immunity.

The Government cannot impart immunity to these individuals whose acts are in defiance of our Constitution.

Wherefore, the State cannot impart impunity to these individuals whose acts are illegal.

The Attorney Generals Office has not been able to come up with any statutory authority deligated to them to use tax payers money to defend the

illegal acts of these State Employees. Yet the Central Figure Jason Vail keeps on with Legal Assistance at Tax Payers expense to these individuals,while begging for more and more attorneys fees and costs, which constitute Bribes.

SEE: Florida Statute 838.015, Florida Statute 838.016 and Misuse of Office Florida Statute112.313.

PLENARY CONSIDERATION: is requested by this Court as to:

1) The effect of Hodges Consolidation?

2) Central Figure Schlesingers confession.

> " Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

3) And Vail's success in the running of the 11th Circuit Court of Appeals as can

be concluded by his influence thereon. Vail is granted " Extention of time" while at the same time, this Petitioner is denied " extention of time".Vail beggs for more punishment to be inflicted upon this Petitioner.

The 11th Circuit remands the Case back to Hadges for more Cruel and Unjust Punishment, in addition to the $80, 677,47 / 100th dollars already to date inflicted, upon this pro se Person. None of the questions can be adjudicated in the lower courts, because of laws of the Wheel Within A Wheel Co-conspirators of the Federal Court.

Quote: Harvey E Schlesinger: Defendants;

" Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

All the way through. the 11th Circuit

Court of Appeals.

b) * * * LIST OF ALL PARTIES

James Harrison
Marks, Gray, Conroy and Gibbs
Craig Marsh
Nassau County School Board
Ernie Mastroianni
Laura Cook
Channel 12 WTLV
John G. Barrow Jr
James A Peters
Marshall Wood
Parites who believe they have the greatest personal interest in the outcome of this case follow;

1) William Terrell Hodges
2) Harvey E Schlesinger
3) Harold B (Judge Handling) Wahl
4) Jason Vail, begging for bribes.

And All Counsel in Hodges " All of these cases" in the Wheel Within A Wheel Conspiracy who" Obtain results sought, prior to trial, and relief from the immediate harassment of the suit.

c) * * * TABLE OF CONTENTS

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(d) * * * REFERENCE TO OPINION

The only opinion delivered to the Court is that of John E Lawlor III in the Appendix herewith Page, 24,25, 26.

There has been no Notice of Hearing on any issue or law or otherwise, therefore there can be no Official or Un-official Report delivered in the Court.
No Fact Finding whatsoever.

The Final judgment sought to be reviewed is included in the Appendix Page 27 through page 34 D.

The Order is dated the 10th day of May, 1988.

The Judgments are dated the 3rd day of June 1988.

e) * * STATEMENT OF JURISDICTION

The subject matter set fourth in the Complaint and the Amended Complaint does arise under the Constitution of these United States and is within 28 § 1343,U.S,C.A. § 1343

Article III § 2 of the Fed. Const provides: that;

" The judicial power shall extend to all cases in law and equity arising under the constitution the laws of the United States and Treaties made or shall be made under their authority"

It is clear that the Cause of Action is one which " arises under" the Federal Constitution. Since the Complaint plainly sets fourth a Case arising under the Constitution the subject matter is within the Federal Judicial Power defined in Art. III § 2 and so within the power of Congress to assign to the jurisdiction

of the District Court.

Congress has exercised that power. 28 U.S.C. § 1343 (3) 28 U.S.C.A. 1343(3)

" The District Court shall have original jurisdiction of any civil action authorized by law"

The Court has frequently sustained District Court jurisdiction under 28 U.S.C. § 1343,28 U.S.C.A. § 1343 (3)

Against State infringement by the

equal protection and due process clau-

ses of the foutreenth Amendment.

Douglas v Jeanett,319 U.S. 157,63 S Ct 8 L Ed 1324.
Srefane v Minard 342 U.S. 117 S Ct 118 96 L Ed 138 ef.
Nixion v Herndon, 273 U.S. 536 47 S Ct 446 , 71 L Ed 59;
Nixion v Gordon, 286 U.S., 73 S Ct 484 76 L Ed 759
Snowden v Hughes 321 U.S. 1,64 S Ct 397,88 L Ed 497
Smith v Allwright 321 U.S. 649, 64 S Ct 757, 88 L Ed 987,
Monroe v Pape 356 U.S. 167, 81 S Ct 473,5 L Ed 2d 492
Egan v Anrora 356 U.S. 514,81 S Ct 648 5 L Ed 714;

42 U.S.C. § 1983, 42 U.S.C.A. § 1983 ;

Provides:
" Every person under any color of any Statute, Ordinance, Regulation, Custom or usage of any State, Territory, subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the .. deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress"

The issuance by the Court of any extraordinary writ authorized by 28 U.S.C. § 1651 (a).
Federal Jurisdiction is asserted under R.S. § 1979 and 28 U.S.C. § 1343 and 28 U.S.C. 1331, 28 USCA 1331,

The decision of the Court of First instance, as well as the decision of the 11th Circuit Court of Appeals, are in conflict with the decisions of other Federal Courts of Appeal on the same matter. There has been no Federal rules of Civil Procedure Rule 7(a), answer to

each averment.

There has been no opportunity to be heard.

There has been no confrontation of Witnesses.

There has been no responsive pleadings.

All Federal questions have been ignored.

1) The unlawful taking of property, without full and just compensation.

2) The denial of due process of law, repugnant to our Constitution.

3) The denial of protection of the law, equal to that afforded others, and especially the 11th Circuit has sanctioned;

(a) The void decision of the lower court.

(b) The infliction of cruel and unusual punishment to the tune of

$80,677.47 up to date.

(c) And now, the 11th Circuit beggs for more sanctions on behalf of bribe begging Vail.

This is such a departure by the 11th Circuit Court of Appeals from other Courts, as to call for the exercise of this United States Supreme Courts power of Supervision.

The initial question of Federal Law that should be settled by this Supreme Court is;

1) The corruption and conspiracy in the Wahl/Hodges Court. Such as;

Defendants; " Counsel obtained results sought; dismissal of the case prior to trial, and relief from harassment of the suit"

2) $80,677,.47 already inflicted and still the 11th Circuit demands more Cruel and Unusual Punishment.

g) * * CONCISE STATEMENT OF THE CASE

1) In 1975 the Nassau County School Board caused to be built the Hilliard Elementary School and Bus Shop in an area Northwest of the Town of Hilliard, Florida.

2) The Godfathers took, seized and/or confiscated any and every one's land in the area without any regrads for the rights of any owners of property rights and did trespass by occupation of the lands like that of a Wild Mob of Wild Indians.

3) Then at 12:30 P.M. on March 9th,1981, this Plaintiff was served with a " Summons to show cause,Notice of Eminent Domain Proceedings on Lot 20 Blk 101 and Lot 4 Blk 189 Town of Hilliard,Florida .

4) Lot 4 Blk 189 was owned by Allen Godbee of Fernandina Beach, Florida. Even though it was a wooded lot, with no clearing and no improvements the stamps on the deed of conveyance from Godbee to the School Board revealed that at least$900.00 was paid to Godbee for Lot 4 Blk 189.

This left only Lot 20 Blk 101 and this Plaintiff in the Eniment Domain Proceedings as Godbee was no longer a party.

5) This plaintiff was never offered one thin dime before the day of the alleged hearing.

Plaintiff had acquiesced in the occupation of the land and the portion of the School Bus Shop and did notify the Nassau County School Board of their obligation to pay $200 per month rent

for use and occupation of same"

6) This action is not an appeal of State Action.

There is no possibility of redress for this plaintiff in State Court, THIS IS A CIVIL RIGHTS ACTION.

7) In Monree v Pape 81 S Ct. 473 The Court Holds:

" Section 1979, should be read against the background of tort liability.That makes a man responsible for the natural consequences of his actions"

" The third aim was to provide a Federal remedy where the State remedy though adequate in theory was not available in practice"

8) The Collusion became more and more obvious as the Kangaroo Court proceeded.

9) At the time of the selection of the Jury this Orator knew that the Hand Writing was on the wall, this was a Stacked Deck !

A Flim-Flam, the ever presence of F.S. 877.01(4) effervesced.

10) The Jury admitted to their prejudices because of the Kenon Assassination of Barrow's reputation by the News Media,T.V. News and the State Officials and other street talk.

11) Barrow was allowed to purge two bias jurors with prejudice, however, James Harrison would make no provisions for the removal of not one more prejudiced juror. Harrison ruled that the prejudice was " not cause for removal".

12) Plaintiff's witness was disqualified by Gibbs, Harrison would allow Plaintiff's witness to testify but would not qualify, therefore Plaintiff had no witness. The very presence of F.S 877.01(4) Rhapsodized.

13) Harrison announced that No Compensation would be discussed before the jury (who was then in wait) except for the land.

14) Wherefore, this Plaintiff announced that he would leave the courthouse absent another threat of contempt by James Harrision. Harrison agreed Gleefully" The eyes of Co-hort Marsh Glittered !

15) The jury heard no testimony of the Defendant or any witness for the defendant.

16) With no defendant present at the Kangaroo hearing and no one to represent defendant (this Plaintiff) the court continues;

17) Erroneously, it is alleged that the Verdict of the jury was $250.00 as Just and full compensation to this Landowner.

This was the Creig Marhs Figure.

18) The land (see Godbee Lot for $900 in comparison --- $900.00 plus.

19) Legal Secretarial services $250

20) Rent of $200 per month for use and occupation ---------- $7200.00 Plus interest accuring month to month from date due to date paid to plaintiff -

21) Improvements on land -- -- $7200.00 plus

22) A check No. 102 dated 12/14/83 for $250.00 made payable to John G. Barrow and ALLEN GODBEE, a stranger to this Plaintiff was mailed to consummate the $15550, full and just compemsation due this Plaintiff, landwoner.

23) A collusion was ever so obvious. Look at a parcel of land the same as that of Allen Godbee, plus improvements, paid by worthless check, of $250.00.

ABSOLUTEY NO RESPONSIVE PLEADINGS

From the day of the Original Complaint to this very day there has been absolutely no responsive pleadings pursuant to Federal Rules of Civil Procedure. There has never been an answer to any one averment in the Complaint. All that has been alleged by the defendants has been that of Harvey E Schlesinger's immaginary wild and erroneous allegations in his reports and recommendations. 1) On August 5,1985 Judge Hodges illegal ly, consolidated Quote Hodges; "All of these cases". There is no record, in written form indicating both the evidence and the reason upon which the decisionmaker relied upon to reach such a conclusion, on his own say -so.

SEE: Morrissey v Brewer 92 S Ct @ 2605

This was an abuse of discretion.

2) On the 9th day of December 1985, Harvey E Schlesinger filed a Report and Recommendation and thereby granted defendants Motion to Dismiss amounting to a Summary Judgment.

There is no record in written form indicating both the evidence and the reason upon which the decisionmaker relied upon to reach such a conclusion. Morrissey v Brewer 92 S Ct @ 2605

This was an abuse of discretion.

3) On the 15th day of August 1986, W.T. Hodges did order Harvey E Schlesinger's Order of his Report and Recommendation

There is no record in written form indicating both the evidence and the reason

upon which the decisionmaker relied upon to reach such a conclusion, on his own "Say-So".

Morrissey v Brewer, 92 S Ct @ 2605

This is an abuse, of discretion.

In U.S.C.A. Const.Amend. 5

" A federal Court judgment whether in a civil or a criminal case that is reached without due process of law is void"

There was no Notice of Hearing and there fore no trial by jury after demand. U.S. C.A. Const. Amend. 7

4) On the 26th day of August 1986, Schlesinger put out his War Cry for all defendants co-conspiring Counsel begging for bribes to file their affidavits, so as to split the spoils of their "intended scheme."

There is no record in written form indicating both the evidence and the

reason upon which the decisionmaker relied upon to reach such a conclusion, on his own "Say-so".

This is an abuse of discretion.

5) On the 21st day of March, 1988, Hravey E Schlesinger filed his decision entitled Report and Recommendation that the Motion for Attorney Fees be granted.

There was no record in written form indicating both the evidence and the reason upon which the decisionmaker relied upon to reach such a conclusion.

On his own "Say-So" Morrissey v Brewer 92 S Ct @ 2605

This was an abuse of discretion.

6) On the 2nd day of June, 1988,W.T. Hodges ordered that the Clerk be directed to enter final judgment against this Plaintiff.

PUBLISHER'S NOTE:

The following pages are unavailable for filming:

33, 34 & 35

THE REASONS WHY THE QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION, WITH BRIEFS ON THE MERITS AND ORAL ARGUMENT FOR THEIR RESOLUTION

1) Twenty District Court Cases and twenty dismissals , case by case, speaks for itself. There is something (sick) ! All issues are well grounded.

2) To be honest with ourselves, let us admit there is something rotten in Denmark !

3) Wherefore, let us turn to the case of Robert Procup v C Strickland et.al. Cite 760 F 2d 1107(1985) The 11th Circuit;

4) " Procup was not entitled to a live-hearing as to the validity of every case he had filed" See United States v Smith 257 F 2d 432 434 (2nd Cir 1958 cert den 359 US 926 79 S Ct 609 3 L Ed 2d (1959)

5) Well, what relevancy has this case got, with Procup ?

PEONS

6) In the court of First Instance and to date, it appears to be also true in the 11th Circuit, there is but two hard cast Classes of Humanity !

a) Obviously we have those humans who either have Deep Deep Pockets, at the command or a Florida Statute 877.01(4) Fee Splitting Counselors.

b) In this Circuit all other pieces of Humanty are Peons. All being a Scurge of Humanty.

All in the same class with Procup and all other convicted of murder, rape, and bank robbery and all other filthy low down crimes.

All pro se persons are but a burden on Society not worthy of the possission of any Constitutional or Civil

Rights. Not worthy of a live-trial. Not worthy of a written record indicating the evidence and the reason relied upon by any decisionmakers conclusion, as a matter of fact not worthy of even seeing the smiling face of a Judge !

7) Pure and simply, too low down for any resemblance of Due Process of Law. Too low down to be entitled to protection of the law, equal to that afforded those with Deep Deep Pockets, in good standing with Hodges.

8) ARTICLE 1, Section 25 provides

" The courts shall be open to every person, for redress of any injury, and Justice shall be administered WITHOUT SALE, denial or delay"

a) From the 9th day of March,1981, and in fact long before that to the present

day, could not be termed DELAY, wherefore delay is rulled out.

b) From March 1981, to the present day, and twenty (20) consecutive dismissals without one of hundreds upon top of hundreds of averments never being adjudicated could not be termed denial.

c) This leaves only SALE of Justice which is not possible because there is no provision in Florida Statute 877.01(4) for a Peon to approach Judge Hodges and/or the other Central Figures in the Wheel Within A Wheel Conspiracy to ascertain, at what price Justice can be bought.

9) In addition thereto, let us now understand the intention of the Central Figures and their many co-con-

conspiring Counselors. Quote Harvey

E Schlesinger. Defendants; " Counsel obtained results sought; (by federal Court) dismissal of the case prior to trial, and relief from the immediate harassment of the suit"(to all defendants)

10) Just what is the message that

this Honorable decisionmaker wishes

to convey when he boasts; Defendants " Counsel obtained the results sought; (by Federal Court) dsimissal of the case prior to trial, and relief from immediate harassment of the, suit" (to all defendants)

This is the Wahl/Hodges Courts law

on equality and justice for all. All

except pro se persons, all of which

are too low for justice !

11) The High and Mighty Decisionmaker

goes on and on ." The record is replete

with Plaintiff's abuse of the judicial

process. In addition to the abuses

found in the present case, Barrow

has filed numerous cases in this court, of which the following have been found to be vexatious and frivolous: 84-64-Civ-J-16; 84-104-Civ-J-14; 84-135-Civ-J-14; 84-191-Civ-J-12; 84-192-Civ-J-16; 84-412-Civ-J-12; 84-414-Civ-J-16; 84-437-Civ-J-16; 84-456-Civ-J-14; 84-588-Civ-J-12; 84-589-Civ-J-12; 84-590-Civ-J-16; 84-981-Civ-J-16; 84-982-Civ-J-14; 84-1191-Civ-J-12; 85-91-Civ-J-12; 85-160-Civ-J-14; and 85-287-Civ-J-12

Plaintiff's litigation strategies in each of these cases has been the same!"

What has all these cases got to do with the instance case ?

Is this Petitioner to undestand that without a F.S. 877.01(4) attorney in good standing with Hodges:

a) That due process means nothing to this Petitioner ?
b) That Petitioner is not worthy of protection?
c) That a decision reached without due process is not void. See U.S.C. A. Amend 5.

d) That denial of jury after demand is not an abuse of power ? U.S.C.A. Amend 7 .
e) That Petitioner is not worthy of a live trial ?
f) That Morressey v Brewer 92 S.Ct. @ 2605 " A written form indicating both evidence and reason relied upon" is intended to apply to Deep Pocket litigants only ?

12) In most of the Great Decision-maker's Reports and Recommendations, Schlesinger does exert great effort, not to administer any adjudication of any issue of any complaint. Conversely, with all ability in his command Schlesinger does tear down and degrade and literally rape this pro se Peon.

13) This is easy to understand. Back in Procup v Strickland this Decision-maker is authorized by the Procup decision to wit:

" Whether a pro se complaint brought in rederal court is properly drawn and whether it states a legitimate claim are questions for the district court alone to determine" Cr. ex parte Hull 312 U.S 546 549 61 S Ct 640 641 85 L Ed 1034 (1941)

14) So let us not judge the Decision-

maker too harshly, Procup v Strick-

land on page 1116 tells us;

" The Magistrate can and should handle most it not all or these proceedings and make recommendations to the District Court"

The Magistrate or a Clerk is directed

to Get Rid of These Peons. See Procup 760 F 2d 1107 (11th Cir)

The Forth-Vise Clerk is to screen all

of the Peons Pleadings. See Procup 760 F 2d 1116 (11th Cir)

The Federal Judge is virtually denied

the privilege . The only thing is,

this ruling puts the sole decision

in the hands of the District Court,

wherefore it does appear that the Peons are denied access to Court of Appeal or any other challenge. This is Sad, in fact this is Sick !

It is hard to believe " My Country Tis Of Deep Pockets, Sweet Land of Deep Pockets, Oh what a Sting !

i) * * * BASIS FOR FEDERAL JURISDICTION IN THE COURT OF FIRST INSTANCE

Same as e) Page 18 thru 21 of this Instrument

By way of reasoning throughout the entire record and the course of proceedings, all of which have been established on the Decisionmakers own " Say-so" and without any written form setting fourth any evidence, or reason relied upon, the Court is Urged by this petitioner to look the entire record right in its face.

1) To begin with, there was filed a Complaint. Fed.R.Civ.P Rule 7 (a) But no answer, has been filed.

2) There was never " a responsive pleading" filed by any Defendant to any Complaint. See: Fed. R.Civ. P. Rule 8(d)..

Harold B Wahl, solicited many of the Counselors of many of the Defendants. Harold already had the Deep Pockets

of A,T.&T. by which to handle the Judges, the Clerks and the Federal Court. What more Clout did (Judge Handling) Wahl need at his command?

4) There were many letters and teleconferences with the majority of the Counsel and various members of the Federal Court System.

5) There was ex parte letters to Judge Hodges and from Judge Hodges, then came his response, ex parte.

6) There was expediting of " the intent of the agreement" that has since been explained ever so clear, by Schlesinger in his confession ,See Page 53

7) At the same time, there was the cooperation of the parties as to the "intent to accomplish the object"

of the agreement.

8) Whereupon, as part of the plan of the oppressive injury directed toward the infliction thereof, on this pro se person, Judge Hodges consolidated " ALL OF THESE CASES". This can never be over come.

9) It would be futile from this point, on, to advance any argument in coupla with any part of the Complaints for the reasons:

a) The Federal Court System or at least Hodges Court System refuses to enforce Fed. R. Civ.P Rule 7(a) and Rule 8(b) as well as Rule 55 except as applied against pro se persons. The Hodges Court's aim is not to enforce the law, but to deprive this pro se person's rights protected by the Constitution

See: Screws v United States, 325 US 106 (1945) (dictum)

b) To obtain results sought; the plan including " an Anti-Federal Intent" with Scienter, which does affect the General public such as this pro se person, in the area of Constitutional control, clearly exhibited by the conspirators is a continuous and " concious union of will" upon this common undertaking. State v Loog, 179 Atl 623 (S.Ct.1935)

c) This Conspiracy by the Wheel Within a Wheel Scheme has "a Corrupt motive" with "wrongful intent". " A meeting of the minds" in an unlawful arrangement " to deny constitutional right of this pro se person. See American Tobacco v U.S.328 US 781 810.

d) " The specific object" of this

conspiracy is to inflict a Felony upon the Constitutional rights of this pro se person " with a Criminal intent" to deny this pro se person and his Complaints any access to Court. The affect of Hodges illegal consolidation can never be eradicated. This amounts to permenent contamination of all cases. See: Yates v U.S. 354 US 298 334;

e) This does Stifle any possibility of due process of law, to this pro se person et.al..And is very dangerous to the Federal Government because of " the Anti-Federal Intent" . Most certainly the denial of due process to all pro se persons, present and threatened.

10) This Wheel Within A Wheel Conspiracy vitaties "public moral" and does constitut evidence of " Overt Acts", proof

of same is Central Figure H.E.S. Confession See Page 53

11) The results of the above described Wheel Within A Wheel conspiracy has been to by-pass all of the adjudication of each and every issue, that has arisen in this confrontation, as expressed by some Counsel, " All that is left for review for this Court of Appeals is that of;

a) "Did Hodges Kangaroo Court abuse its discretion" by the act of inflicting the extortion of tens of thousands upon top of tens of thousands of dollars of sanctions to be awarded as Bribes so as to split the spoils between themselves and their co-conspirators ?

b) Did the court abuse its discretion in the dismissal of Hodges " ALL OF THESE CASES" based upon his void

decision, which was reached without any due process of law whatsoever ? All based upon Schlesinger's " Say-so" which was based upon Melton's void decision, reached without any due process of law.

12) The answer to (a) above is Yes. The Court did abuse its discretion, in substituting relief by due process of law, with extortion of ungodly amounts to be divved up between the Central Figures and their co-conspirators.

13) This cannot be in any reasonable thinking and reading community believed to be equality and justice for all.

14) This Sanction Scam makes a Dirty Fraud out of our Constitution.

15) This Petitioner Urges this Court to take Supervisiory Control by the

adjudication of each of the issues that have arisen by the review of the entire record.

16) Until the emplementation of such procedure is carried out there can be nothing else for any Court of Appeals to review.

17) This filthy corruption in our Federal Court, has got to go !

18) The answer to (b) above is Yes. The Hodges Federal Court has abused it's discretion, by it's " results sought" by the three Central figures. All of which flies up in the face of any respectability of our Federal Court System, and the Constitution of these United States.

" To avoid harassment to their cohorts resulting from a fair and

just trial" is abhorent, loathing and nausiating !

19) The laws of conspiracy punishes intent alone. Lambert v People 9 Cow 578,624-25 m.b. N.Y. (1827)

THE CONFESSION OF THE CENTRAL FIGURES

" Counsel obtained results sought;dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

20) This confession is Loud and Clear, confession of ;

a) "Intent to the agreement". Fowler v Padgett 7 T.R. 509 514.

b) "Intent to the accomplishment".(obtained results sought)

c) A Loud and Clear " Anti-Federal Intent" 18 U.S.C. § 2312

d) "An intent to do wrong", because of alleging to have immunity. (dis-

missal of the case prior to trial, relief for co-horts)

e) "A specific object" to attain a felonious injury , inflicted upon the person of this pro se person. See: People v Dorman, 415,111, 385 114 N.E. 2d 404 (1953)

The Central Figures are guilty of the one Conspiracy and of other conspiracies because of informing each by each and other individuals with whom they plot.

Mendelson v United States,58 F 2d 532 (D.C. Cir 1932)
Regins v Murphy 8 Car 7 P 297 173 Eng Rep 502 (Q.B. 1837)

In connection with the preceeding , summary of the argument, let us take up a review of the "Overt Acts" with Scienter committed by the Wheel Within A Wheel Conspirators. Not in one case omly but Hodges " ALL OF THESE CASES"

"An Epidemic of Overt Acts". Proof of which is not only the confession of Harvey E Schlesinger, on behalf of the Central Figures, but also the end results, this amounts to proof of the Pudding. All reeking with an extremely high pungent aroma. " Each new overt act" renews the running of the Statute.

SEE; Gruewald v United States 353 U.S. 391-396,97 (1957)
Ware v United States, 154 Fed. 577, 579 (8th Cir) cert den. 207 U.S. 588 (1907)
Cooke v People 231 111, 9 82 N.E. 863 (1907)
People v Hines, 284 N.Y. 93,29 N.E. 2d 493 (1940)

Petitioner does ever so urgently, call upon this Honorable Supreme Court to defend its Honor by the eradication of this dastardly Wheel Within a Wheel Corruption in our Federal Court System. It goes beyond disgrace and disgust. In addition to " the Central

Figure's Confession" and end results of vitiating Hodges " ALL OF THESE CASES" and the void discision because of being reached without due process of law, what more evidence of conspiracy and corruption do you need ?

Will it be left up to the United States Congress ?

If the sixteen void decisions --- Sixteen void decisions in consession, are swept under the rug, will they stay there ? Or, will they Haunt forever those who have neglected their duty ?

This question has been raised.

WHAT SAY YE?

In Paoli v United States, 352 U.S. 232; The Supreme Court Holds:

" The Appellate Court may examine the particular circumstances in each case"

LET US NOT FORGET

All of the above included in this instrument and the entire record can be said in but one word. OPPRESSION !

1) In People v Laerman, 28 N.Y. S 2d 360

The Court Holds:

" A public officer who unlawfully arrests another or detains him against his will, or seizes or levies upon another's PROPERTY or dispossesses another of any lands or tenements or does any other act whereby another person is INJURED IN HIS PERSON, PROPERTY OR RIGHTS is guilty of oppression, Oppression is an un-lawful use of authority and it is not committed by threats but by an unlawful act of the accused".

2) By the neglect of the Court of First Instance, to enforce Federal Rules of Civil Procedure Rule 7 (a), 8(b) and 8 (d) and Rule 55 there is vividly demonistrated a willingness to Vex

Harass and to injure consistent with " Wrongful Intent To Injure" this pro se Petitioner.

OFFER TO AMEND

Just any way on God's Green Earth that this pro se person is allowed to Amend this Petition and/or add thereto, or replace . I do hereby offer to do immediately upon being informed.

The $200.00 Fee has already been mailed to the Clerk's Office.

j) * * A DIRECT AND CONCISE ARGUMENT AMPLIFYING THE REASON RELIED UPON FOR THE ALLOWANCE OF THE WRIT.

The Federal Questions:

1) Taking of property illegally.

2) Denial of protection of the law, equal to that afforded others.

3) Denial of any opportunity to be heard (due process) See: Parrett v Taylor, 101 S.Ct.1908.

4) Impairing of obligation of contract with the State sale by taking without just compensation.

5) Infliction of a total of $80,677.47 up to date in punishment for seeking redress in Federal Court without any due process of law appropriate to the circumstances.

All of these are special and important reasons to invoke our Constitution

of these United States, and does beg for an exercise of the United States Supreme Court's Power of Supervision.

In the United States v Ritter, 10 Cir 273 F 2d 30 32 cert den. 362 U.S. 950 80 S Ct 863 4 L Ed 2d 869.
In Occidential Petroleum Corp. v Chandler 10 Cir 303 F 2d 55 Cert den 372 U.S. 915 83 S Ct 718 9 L Ed 2d 722 reh den 373 U.S. 906 83 S Ct 1288 10 L Ed 2d 201.

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question upon an adequate showing , this court has held that it has the ' power and inescapable duty' whether under the all write statute 28 U.S.C. § 1651 or, under its inherent powers of appellate jurisdiction to effectuate what seems to us to be manifest ends of justice"

The Court of First Instance awarding $12,019.83 in Harrison only, is Cruel and Unjust Punishment for seeking redress and relief in Federal Court is unconscionable.

However, when the 11th Circuit remands the case back to the Court of First Instance for even more Cruel and Unjust Punishment. See Exhibit "B". This does truly prove to this Petitioner that it is time for this Courts implementation of the ALL WRITS STATUTE 28 U.S.C. § 1651. This total of $80,677.47 in Cruel and un just Punishment is class (pro se person) based, biased and can be said to be none other.

The total of the $80,677.47 of Cruel and Unjust Punishment for seeking relief in the Federal Court is not all in this instant case.

However, it has an extremely close copula because of the Honorable William Terrell Hodges consolidation of Quote: " All of these cases" and " Central

Figure Number Two Schlesinger and

" Harold B. (Judge handling) Wahl

constant amalgramation of all twenty

cases into one gommed up rape of this

Petitioners Constitutional rights.

The Conspiracy of the Wheel Within A

Wheel conglomerate and their R.I.C.O.

Acts cannot be ignored or cast aside.

" Statute authorizing Attorneys fees was not passed for the benefit of attorneys.

Or, to make Rich Attorneys even Richer which does apply to very Rich Judges and other Central figures in Conspiracies, such as the co-horts of the Wheel Within A Wheel Conspiracy,who achieved " Results sought; without even a smack of due process of law.

In Donaldson v Clark, 786 F 2d 1570 (11t

Cir 1956)

The Court Holds:

" Where a criminal contempt proceeding is not a summary contempt proceeding under Fed R.Crim P. 42(a) to punish conduct committed in the actual presence of

the court, the court must abide by the due process requirements set forth in Rule 42(b) of the Federal Rules of Criminal Procedure, Rule 42(b). Provides in part:

A Criminal Contempt . . . shall be prosecuted on notice . The notice shall state reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such THE NOTICE SHALL BE GIVEN ORALLY BY THE JUDGE IN OPEN COURT or, on application of the United States Attorney or, of an attorney appointed by the Court for that purpose by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides.

(9) The district court in the instant case failed to afford Mr.-Howard Barrow the procedural safe guards applicable to criminal contempt proceedings.

The court did not inform Mr-Howard- Barrow in advance of the specific reasons for which he might be fined. Also the court did not give-Mr.-Howard-, Barrow a reasonable opportunity to prepare a defense against specific charges or a hearing to present such defense.

All decisions of " All of these cases" should be held unlawful and set aside for reasons set forth in 5 U.S.C. § 706 (2) and because of all decisions being

reached without any due process of law, including " No opportunity to be heard"

CREATION OF REMEDY

" In a case of actual controversy within its jurisdiction escept with respect to Federal Taxes, any court of the United states and the District Court for the Territory of Alaska, upon filing an appropriate pleading, may declare the rights and other relations of any interested party seeking such declaration, whether or not other relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such"

28 U.S.C.A. § 2202

FURTHER RELIEF

" Further relief necessary or proper relief based on a declaratoty judgment of decree may be granted after reasonable notice and hearing against any adverse party whose rights have been determined by such judgment"

See; Also 28 U.S.C.A. § 2106.

AFFIDAVIT OF SERVICE OF BRIEF

STATE OF FLORIDA
COUNTY OF NASSAU

Before me, this day personally appeared JOHN G. BARROW JR, who being first duly sworn deposes and says that I will deposit in a United Parcel Service, three true copies of this Petition for Certiorari, all charge prepaid thereon addressed to Marshall Wood P.O. Drawer P. Fernandina Beach, Fl. 32034, Jason Vail The Capitol Tallahassee, Fl. 32399, Suite 1501, Harold B Wahl 920 Barnett Bank Bldg, Jacksonville Fl. 32202. Counsel of Record, the 20th day of November, 1988.

John G Barrow

JOHN G. BARROW JR

ACKNOWLEDGMENT OF PERSONS

Before me, personally appeared John G. Barrow Jr, to me well known and to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL the 20th day of November, 1988.

Alma M. Barrow

Notary Public
State of Florida

Notary Public, State of Florida
My Commission Expires Nov. 20, 1988
Bonded Thru Tony Faio Insurance, Inc.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

JOHN G. BARROW JR

Petitioner

VS.

JAMES HARRISON, et.al.

Respondent,

****

MOTION FOR LEAVE TO FILE A
PETITION FOR WRIT OF CERTIORARI
BY A PERSON APPEARING pro se

##########

Comes now, Plaintiff-Appellant- Petitioner in Barrow v Harrison, requesting leave to file this Petition for Writ of Certiorari as a person appearing pro se.

This Petitioner has tried for years to obtain Counsel in Jacksonville, Florida in other parts of Florida, in Georgia,

New Jersey, New York, Philadelphia, Utah and Texas.

On one occasion Petitioner was told by Race Horse Haines of National reputation, in Dallas Texas, that it would cost $5,000.00 for attorney Hianes to look into such an arrangement. The Money Order was mailed to Mr Haines, who in a few weeks returned the Money Order for $5,000.00 expressing his regrets, but no thanks.

You see, the problem is that the News Media has smutted and smeared this Plaintiff-Appellant- Petitioner without mercy, world wide for acts not committed by this Petitioner, however, all attorneys who express a reason, state that their " Public Relations will not

stand Petitioners adverse publicity.

Specifically and to the point in this Case there is and never has been anything but Good-Faith shown by this Petitioner while presenting to the best belief and best effort shown, for a pro se Person to exhibit in giving this Honorable Court a First hand view of this fraud being perpetrated on this pro se Person.

This pro se Person does have the same Constitutional demand for protection of the law, as is afforded others involved, with all others in the States of this Great United States.

Respectfully Submitted

John G Barrow

I HEREBY CERTIFY this 20th day of November 1988, that I did furnish a true copy of the above to Counsel of Record.

John G Barrow

John G. Barrow Jr
A Layman without legal education
Rt 1 Box 470
Callahan, Fl 32011